

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED *for Duke*
JAN 18 2012
JULIA C. DUDLEY, CLERK
BY *[Signature]* DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

TRENA WALKER,)	CASE NO. 4:11CV00026
)	
Plaintiff,)	
)	
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	By: B. Waugh Crigler
)	U. S. Magistrate Judge

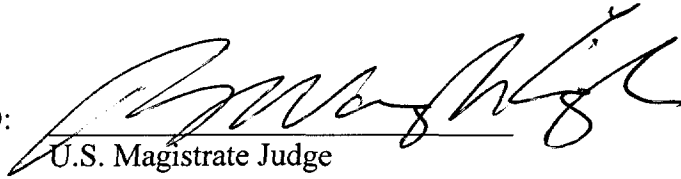
On December 8, 2011, the Commissioner filed a motion to dismiss plaintiff's Complaint for lack of subject matter jurisdiction on the basis that the Complaint was not timely-filed. 42 U.S.C. § 405(g). Under this court's Local Rules, plaintiff had fourteen days within which to file a response. Plaintiff has not responded and, therefore, has failed to offer facts demonstrating that her action was commenced within the period that would confer subject matter jurisdiction upon the court.

Accordingly, it is RECOMMENDED that an Order enter GRANTING the Commissioner's unopposed motion to dismiss for lack of subject matter jurisdiction and DISMISSING this action from the docket of the court.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become

conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


U.S. Magistrate Judge

1-18-2012
Date